

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

VIVIAN HANDY,

*

*

Plaintiff,

*

*

vs.

*

CIVIL ACTION NO.:

*

07 cv 376-MHT

*

**DEPARTMENT OF REHABILITATION*
SERVICES, *et al.*,**

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*

Defendants.

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**DEFENDANTS' MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM,
OR IN THE ALTERNATIVE, MOTION FOR A MORE DEFINITE STATEMENT**

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, Defendants hereby move this Court to dismiss Plaintiff's complaint for failure to state a claim. Plaintiff has failed to allege the basic elements of a claim against the Defendants as a matter of law.

Alternatively, Defendants move pursuant to Rule 12(e) of the Federal Rules of Civil Procedure, for an Order from this Court requiring Plaintiff to provide a more definite statement as to the alleged claim against the Defendants.

In support of its Motions, the Defendants submit the brief filed contemporaneously herewith. WHEREFORE, premises considered, Defendants respectfully request that the Court dismiss the Plaintiff's complaint or alternatively, Defendants request that the Court require the Plaintiff to provide a more definite statement as to the claims against the Defendants.

Respectfully submitted,

/s/ Stephen K. Simpson

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**Attorney for Defendants State Personnel
Department, State Personnel Board, and
Jackie Graham, Director of State
Personnel Department**

CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of August, 2007, the foregoing document was filed electronically with the Clerk of the Court via the CM/ECF system which will send notice of electronic filing to the following:

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